1941

File No. Prohibition II/41

DEPARTMENT

BRANCH

K

Subject:-

Rules and Notifications under the Abkari Act.

File No. Prohibition II-/41 — Part I

Bdd. Scott Slip 24-B

for subsequent papers pl. see Part II

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B.U.S. 10/4.

315

K.S.R
3/5.

Office of the R.L.A.

Under Government Notification, Revenue Department, No.3562/39(r), dated the 31st July 1940, a permit is necessary for bringing into or taking out of the Province of Bombay from or to any Indian State country liquor including toddy across the customs frontier other than through any customs port or land customs station. The Commissioner of Excise proposes that Government should by an executive order exempt from the scope of the Regulation prescribed in the above Government Notification imports and exports of country liquor from or to a leased State into or from the adjoining British territory, provided that the quantity of country liquor is within the limits allowed to be transported without a pass in the adjoining British territory 2. As the Regulation is statutory the proposed executive order would be legally objectionable. To achieve the object in view it will be necessary to amend the Notification by adding the following proviso to the Regulation before the Explanation:-

"Provided that no such permit shall be necessary for bringing into or taking out of the Province of Bombay from or to any Indian State specified in the margin such liquor in quantity not in excess of such limit as the Government of Bombay has declared to be the limit of retail sale under section 17 of the Bombay Abkari Act, 1878

P.N.M.
Rd/—— 18/2.
Remembrancer of Legal Affairs.

U.O. to R. D. No. 1561 dated the 19th February 1941.

B.K.S. 18/4

R.L.A's Office.

The questions referred to the R.L.A. for consideration are:-

'1) whether the levy of the vend (nasa) fee and the special fee for the issue of a pass for import and transport of foreign liquor can be continued at the existing (high) rates on the ground that such levy is in the interests of the consuming public generally, and

(2) whether any district or areas having common factors e.g. a dry or prohibition area, can be considered to be a local area within the meaning of proviso (1) to section 12 of the Bombay Abkari Act.

2. Attention is invited to R.L.A's opinion dated the 26th July 1940, with which the Advocate General has agreed and also to his subsequent opinion No. 98-L, dated the 23rd October 1940. It appears from the note of the Commissioner of Excise at pages 25-27 ante that the amount of fees levied for the issue of passes at the existing rates far exceeds the cost incurred in making arrangements for their issue. It can therefore be contended that the existing rates at which the fees are levied are unreasonable. The fact that the continuance of the levy of the fees at the existing rates would be in the interests of the public would afford no justification in law for such levy. However laudable be the object in levying the fees at the high rates, the Court will not be influenced by that consideration and might consider the existing rates as unreasonable.

3. As regards the second question the expression "local area" is not defined in the Act and will have to be construed in the sense in which it is ordinarily understood. It means a particular place or district with reference to its territorial limits. In the absence of any definition

to the contrary it does not connote areas having some common factors or features such as the wet areas or the dry or prohibition areas. The object in view can however be achieved by issuing one notification for all the local areas included in the various prohibition areas

4. As regards the question of equalising the rates of assessment on retail sale of foreign liquor in the wet and prohibition areas referred to in paragraph 6 of the Commissioner's note, attention is invited to R.L.A's opinion No. 12-L, dated the 5th August 1940.

P.N.M.
Td/———— 10/3
Remembrancer of Legal Affa

U.R. to R.D.No. 2238, dated the 13th March 1941.

D.K.S. 18/4

5

Office of the H.L.A.

Revised draft notifications are appended

2. In compliance with the High Court's orde Mr. Toddiwalla will have to be granted a license for tapping and drawing toddy from his trees on payment of duty at the rates in force at the date of the High Court's order. As regards the other applicants, since the High Court's order does not relate to them, they will not be entitled to secure the license at the same rates.

P.M.M.
Td/——— 25/4
Remembrancer of Legal Affairs.

U.O. to the H.D., No.224-Confl., dated the 24th April 1941.

H.K.S. 18/4

NOTIFICATION.

Revenue Department,
Bombay Castle, April 1941.

In exercise of the powers conferred by section 20 of the Bombay Abkari Act, 1878 (Bom. V of 1878) and in supersession of all previous orders issued in this behalf, the Government of Bombay is pleased to direct that in the areas specified in column 1 of the Schedule appended hereto a duty shall be levied for every toddy-producing tree of the kind specified in column 2 of the said Schedule from which toddy is drawn, for the period during which such tree is tapped or licensed to be tapped, at the rate specified in column 3 of the said Schedule.

SCHEDULE.

1 Areas in which duty is to be levied.	2 Kind of tree.	3 Rate of duty per annum per tree tapped or licensed to be tapped.
The Town and Island of Bombay, the Bombay Suburban District, that part of the Thana-Mahal in the Thana District, which is encircled by the Thana-Bassein Creek, the Ahmedabad City and the Ahmedabad Mahal and Daskroi Taluka of the Ahmedabad District.	(1) Cocoanut or Brab. (2) Date or Wild Palm.	(1) Rs. 350/- (2) Rs. 180/-

By order of the Governor of Bombay,

Secretary to Government.

B.K.S. 18/4.

NOTIFICATION

Revenue Department

Bombay Castle, April 1941.

In exercise of the powers conferred by section 20 of the Bombay Abkari Act, 1878 (Bom.V of 1878) and in supersession of all previous orders issued in this behalf, the Government of Bombay is pleased to direct that in the areas specified in column 1 of the Schedule appended hereto a duty shall be levied for every toddy-producing tree of the kind specified in column 2 of the said Schedule from which toddy is drawn, for the period during which such tree is tapped or licensed to be tapped, at the rate specified in column 3 of the said Schedule

SCHEDULE.

1 Areas in which duty is to be levied.	2 Kind of tree	3 Rate of duty per annum per tree tapped or licensed to be tapped.
The Broach, Ankleshwar, Jambusar and Wagra Talukas of the Broach and Panch Mahals District, the Bardoli Taluka including Valod Mahal and that part of the Mandvi Taluka which is bounded on the north by the Tapti river and on the east by the Madhi-Mandvi Road (that is comprising the villages of (a) Tarsada Bargama, (b) Varjakhan, (c) Jankhla, (d) Birama and (e) Sadadi), the Nawsa and Shevgaon Talukas and Pathardi Mahal of the Ahmednagar District and the Kumta and Ankola Talukas of the Kanara District.	(1) Cocoanut or Areb. (2) Date or Wild Palm.	(1) Rs.270/- (2) Rs.135/-

By order of the Governor of Bombay

Secretary to Government,

B.K.S. 18/4.

The questions referred to the Remembrancer of Legal Affairs for consideration are:-

(1) Whether the direction contained in Commissioner's Circular No. 3365, dated the 26th May 1909, that domestic consumption licenses should be granted wherever required by owners of trees can be considered to be an order of the Government under section 30 of the Bombay Abkari Act, 1878;

(2) Whether in view of the directions given by the Commissioner in the Bombay Toddy Tapping Rules, 1928, a domestic consumption license can be restricted to owners of trees; and

(3) Whether ~~xxxxxxxxxxxx~~ lessees or trees can claim to be owners of trees during the currency of the lease for the purposes of domestic consumption licenses.

2. Question No.(1).- Section 30 of the Bombay Abkari Act, 1878, provides inter alia that every license granted under the Act shall be granted subject to such restrictions and on such conditions as the Provincial Government may direct in orders made either generally or in any particular instance in that behalf, such orders being not inconsistent with the Act. Under the section it will be thus open to Government to lay down the restrictions subject to which and the conditions on which a license may be granted to any person. But in the absence of any provision similar to clause (g) of sub-section (2) of section 35 it will not be open to Government under this section to prescribe the person or class of persons to whom a license may or may not be granted. It is not therefore competent for Government to make any orders under section 30 directing that the licenses for domestic consumption should not be granted to persons other than the owners of the toddy producing trees. The direction in question, therefore,

contained in G.R., R.D. No. 6480. dated the 5th July 1909, is not covered by the provisions of section 30 and cannot be considered to be an order of the Government under that section.

3. Questions Nos. (2) and (3).- As regards the second question it does not appear that there is anything in the Bombay Toddy Rules which can be construed as prohibiting the grant of a license for domestic consumption to any person other than the owner of the toddy producing trees. The Bombay Toddy Tapping Rules, 1928, are made under sub-clause (iii) of clause (a) and clause (e) of section 35A of the Bombay Abkari Act, 1878. Rule 2 of these rules enumerates the purposes for which licenses for the tapping of toddy producing trees can be issued and one of the purposes enumerated is domestic consumption. Under rule 4 any person desirous of obtaining a license to tap trees in Bombay and any person in the mofussil who has secured permission to supply toddy to licensedshops in the town and island of Bombay, has to present an application in Form A. Form A appended to the Rules provides for giving particulars, namely, the applicant's name, proprietor's name and also the proprietor's signature in token of his consent to the trees being tapped. Rule 6(4) provides that in the case of trees belonging to Government the officer receiving the application under * rule 4 shall see that the applicant has attached a certificate from the Government Department concerned to the effect that he has permission to tap the trees and that in such cases the column "Proprietor's signature" in the application form need not be filled in. These rules clearly contemplate the grant of license to a person other than the proprietor himself provided he has complied with the other requirements of the rules himself. The domestic

Page 18/4

consumption licenses cannot therefore be restricted to owners of trees only but will have to be granted to lessees of trees also

P.N.M.

Td/---- 17/5

Remembrancer of Legal Affairs.

U. R. to R.D., No. 4542 dated 19-5-1941

B.K.S. 18/4

R.I.No.2437, dated 14-3-41

Submitted

A revised draft notification under section 12 of the Bombay Abkari Act, 1878, is appended The draft notification is on the lines of a similar draft revised by the Advocate General (p.261 of File Prohibition II/40). Slip O

2. It is true as stated by the Commissioner of Excise in his note at pp.111-12 ante that no excise or countervailing duty can be levied under sec. 19 of the Bombay Abkari Act, 1878, on country liquor or toddy imported across the customs frontier but it is likely that such intoxicants may be imported into the Province of Bombay otherwise than across the customs frontier and in that case it will be open to Government to le an excise duty on their import, export or transport may be incidental to their export across the customs frontier. It is therefore provided the draft notification by way of an additional condition that a pass for the import, export or transport of the intoxicants and hemp shall be issued on the Abkari Officer being satisfied that the amount of excise or countervailing duty, as the case may be, leviable under the Act on the import, export or transport of such intoxicants and hemp has been paid. This condition seems to be necessary to ensure the payment of any duty leviable under the Act. A similar condi- ..... has been included in rule 29 of the Bombay Foreign Liquor (Export and Import) Rules, a draft of which has been sent to A.D. under this office U.R. No.3349, dated the 17th April 1941

B.K.S. 18/4

p.33 of File-Ab.rr/41 slip B

(vide clause (b) of draft rule 29 in para.4 of the U.R.)

Sd/——— 30/4

S.A.S. As amended slightly.

Yd/—— 15/5

As further amended.

D.S. Reply:-

"A revised draft notification is sent herewith.

Yd/———

U.R. to R.D.No. 5000 dated ... 31st May 1941.

D.K.S. 18/4

Draft Notification.

Revenue Department.

Bombay Castle 1941.

No. In exercise of the powers conferred by section 12 of the Bombay Abkari Act, 1878 (Bom.V of 1878) and all other powers enabling it in this behalf, and in supersession of Government Notification in the Revenue Department No.4377-C, dated the 15th July 1937 and all other previous notifications issued in this behalf, the Government of Bombay is pleased to direct that save as provided in any notification issued under section 11 of the said Act, the intoxicants specified in the first column of the Schedule hereto annexed and hemp shall not, except under a pass issued by an Abkari Officer duly empowered in this behalf, be

(a) transported

(1) within any area mentioned in the second column of the said Schedule in quantities exceeding those respectively shown in the third column of the said Schedule,

(2) from any area to any other area in the Province of Bombay in which a higher rate of duty is levied under section 19 or 20 of the said Act, as the case may be in quantities exceeding one quarter of a point and

(3) from or to any place within any area

entioned in the second column of the said
Schedule to or from any place outside such
area, but within the Province of Bombay, and
in which the duty leviable under section 10
or 20 of the said Act, as the case may be
is levied at the same rate, in quantities exceed-
ing those respectively shown in the fourth
column of the said Schedule; and

(b) imported into or exported from the
Province of Bombay in quantities exceeding those
respectively shown in the fifth column of the
said Schedule.

Provided that such pass shall be issued
by such officer on an application made to him
and on his being satisfied that

(i) the import, export or transport of
such intoxicant or hemp is incidental to its
import or export across the customs frontier
as defined by the Central Government in
accordance with the rules and orders, if any,
for the time being in force under sub-section
(2) of section 7 of the Dangerous Drugs Act,
1930, or under the provisions of the Sea
Customs Act, 1878, as the case may be; and

(ii) the amount of excise or countervailing
duty, as the case may be, leviable under the
said Act on the import, export or transport
of such intoxicant or hemp has been paid;

Provided further that no such pass shall
be required for the import, export or transport
of any such intoxicant or hemp conveyed under
a pass issued by an officer duly authorised
in this behalf from any place beyond the limits

of the Province of Bombay to any other place beyond the limits of the said Province

Schedule.

By order of the Governor of Bombay,

Secretary to Government.

B.K.S. 18/4

~~15~~

R.Y.No.3552
18-4-41.

p.25 ante. R.D.U.R.No.5439/39, dated 17-4-41 re. scrutiny of draft notn. under s. 19 of the Bombay Abkari Act, 1878

Submitted.

2. R.D. has decided to issue the notn. on p.13 under s. 19 of the Bombay Abkari Act, 1878, imposing still head duty on issues of country liquor, in the areas mentioned in the Schedule to the said notn., at the rates specified in the said Schedule. Before it is issued R.L.A. has been requested by R.D. to scrutinise it from the legal point of view.

3. The proposed draft notn. is based on G.N.R.D.No. 3562/39, dated 31-7-40, slipped A in R.D.File No.3562/39-V/1940 below, which was settled by the R.L.A. It has therefore been revised accordingly and the pencil amendments therein on pp.13-23 are for approval. If they are approved, reply may be:-

The draft notn. on pp.13-23 ante, as slightly amended, is in order.

R.D. may consider whether the amendments made in the second proviso regarding difference in duty to be paid and in the Schedule regarding levy of duty per proof gallon, are in order.

rd/—
6/5/41 Please put up the file at 'A' & it is now available.

rd/— 30/5

R.K.S. 18/4

Submitted with reference to S.A.S's note overleaf.

3. The file Prohibition YY/40 containing papers underlying R.L.A's opinion No.15-P dated 10th July 1940 is put up below. (Slip H. P. 125)

Yd/--- 4/8 As amended slightly.

S.A.S. 8. -P.4 See the draft notifn. settled by R.L.A. at slip 'A' of the R. D. file and at slip 'Y' of the L.D. file.

2. The draft notifn. at p. 13-23 ante as amended slightly is in order.

Yd/~~S.S.~~-P.5/8

D.S. The proviso as revised by office is not in order. I have made the necessary altrations.

Reply may be , "A revised draft notification is sent herewith.

Yd/--- 8/8

R L A Yd/--- 8/8

U.O. to R.D.No. 5198 dated the 9th June 1941.

R.K.S. 18/4

liquor" shall not include any liquor, which under clause (8) of section 3 of the Bombay Abkari Act, 1878, the Provincial Government has declared, shall be deemed to be foreign liquor for the purposes of the said Act.

SCHEDULE

Insert here the Schedule on pages 15-23 ante as amended.

By order of the Governor of Bombay,

Secretary to Government.

NOTIFICATION.

Revenue Department.

Bombay Castle, 1941.

No. In exercise of the powers conferred by section 19 of the Bombay Abkari Act, 1878 (Bom. V of 1878) and in supersession of all previous orders and notifications issued in this behalf, in so far as they relate to the areas specified in the Schedule appended hereto, the Government of Bombay is pleased to direct that an excise duty or countervailing duty, as the case may be, shall be imposed on country liquor transported or imported for consumption to or into any area specified in column 2 of the said Schedule at the rates respectively specified against it in columns 3 to 6 of the said Schedule:

The Bombay Abkari Act, 1878.

Provided that no such duty shall be payable on country liquor imported into British India, which was liable on such importation to duty under the Indian Tariff Act, 1934, or the Sea Customs Act, 1878:

Provided further that if country liquor on which duty has been paid for its transport or import to or into any area is transported to any other area, the duty leviable for transport of country liquor to which area is higher than that already levied, only the difference between such higher duty and that already levied, shall be paid.

Explanation: The expression "country

Office of the R.L.A.

The Revenue Department has sent for R.L.A's scrutiny the draft notification at pages 9 to 11 ante. The draft notification purports to be issued under sections 12 and 30 of the Bombay Abkari Act, 1878 a supersession of certain notifications. Before this draft notification is scrutinised it is necessary for the Revenue Department to consider the following points:-

2. The draft notification is to be issued under sections 12 and 30 of the Act. Under section 12 of the Act no intoxicants and no hemp exceeding such quantity as the Provincial Government may prescribe by notification in the Official Gazette either generally for the whole Presidency or specially for any local area shall be transported except under a pass. Under these provisions it will be first necessary to prescribe by a notification the limit or quantity for the transport of which no pass is necessary. The draft notification does not prescribe any such limit for the transport of foreign liquor. The Revenue Department should therefore first determine the quantity of foreign liquor for the transport of which no pass will be necessary. Attention of R.D. is in this connection invited to the draft notification under section 12 relating to country liquor which was sent to that Department under this office U.R.No.5000 dated the 31st May 1941.

3 The draft notification contains a proviso exempting from the requirement of a pass foreign liquor (other than denatured spirit) not exceeding one quart bottle, on which duty under the Indian Tariff Act, 1934 is leviable

(a) brought by a passenger or imported by post, into the Port of Bombay or at a continental customs port in the Province of Bombay for personal use

(b) in the possession of a bona fide traveller

entering the province from any other part of British India, for personal use

It is doubtful whether such a provision would be legal. Under section 13 a pass is necessary for the transport of all intoxicants exceeding the prescribed quantity. Under the first proviso to the section, unless the Provincial Government otherwise directs by a notification with respect to any local area, no pass is required for the transport of duty-paid foreign liquor other than denatured spirit. Under this proviso it will be open to the Government to direct by a notification that the transport within a particular local area of duty-paid foreign liquor shall require a pass, but if there is no such notification all duty-paid foreign liquor will be entitled to the exemption from the requirement of a pass, irrespective of the quantity transported and the purpose for which it is transported. The proposed proviso exempting duty-paid foreign liquor upto certain quantity and brought into the Province for a particular purpose from the requirement of a pass will therefore be outside the scope of section 13.

4. As regards the levy of vend fee, R.D.'s attention is invited to paragraph 2 of R.L.A's No.3328 dated 12th March 1941 and R.L.A's No.08-L dated 23rd October 1940

5. R.D. is requested to redraft the notification in the light of the remarks made above and then send the draft for R.L.A's scrutiny.

Sd/- P.N.M. 2/7
Remembrancer of Legal Affairs

U.O. to R.D.No. 5801 , dated the 5th July 1941

B.K.S. 16/4

Office of the R.L.A.

A revised draft notification is appended. As the draft notification is intended to supersede all notifications issued under section 62 of the Abkari Act, the draft notification sent to R.D.under this office U.O. No.7926 dated 11th September 1941 should not be issued.

2. As regards the draft order at pages 80-109 ante, attention of the R.D. is invited to this office No.199-P-Confl. dated 13th September 1941. As the Bill may undergo several changes after the opinions on it are received, the draft order is returned without scrutiny.

Yd/R.N.D. 18/1
Remembrancer of Legal Affairs.

Yd/S.L.C. 19/9

U.O. to R.D., No. 8267 dated 20th September 1941.

B.K.S. 18/4

Revenue Department

Bombay Castle, 1941.

No. exercise of the powers conferred by section 64 of the Bombay Abkari Act, 1878(Bom. V of 1878) and in supersession of all previous notifications issued in this behalf, the Government of Bombay is pleased to prohibit, except under a license from the Collector, the sale within the whole of the Province of Bombay, of medicated articles of the kind specified below, namely:-

(i) All arishtas and asavas.

(ii) All medicated or tonic wines.

(iii) Spirituous medicated articles specified in the Schedule hereto annexed.

Explanation:- In this notification -

(i) An 'arishta' or 'asava' shall mean a fermented preparation made from medicinal substances produced in India, and

(ii) A medicated or tonic wine shall mean a mixture or compound of a wine with medicinal substances and shall include medicated bitters.

SCHEDULE

Latin	English.
1. Aqua Anethi Concentrata.	Concentrated Dill Water.
2. Aqua Cinnamomi Concentrata	Concentrated Cinnamon Water.
3. Aqua Menthae Piperitae Concentrata.	Concentrated Peppermint Water.
4. Infusum Aurantii Concentratum	Concentrated Infusion of Orange Peel.

Latin	English
5. Infusum Caryophylli Concentratum	Concentrated Infusion of Clove.
6. Spiritus Menthae Piperitae	Spirit of Peppermint.
7. Spiritus Chloroformi	Spirits of Chlorof
8 Tinctura Aurant	Tincture of Orange.
9 Cenici	Capsicum.
10. Limonis	Lemon.
11 Zingiberis Fortis	Strong Tincture of G
12 Cardamomi Composita	Compound Tincture of Cardamom

By order of the Governor of Bomba

Secretary to Government

B.K.S. 18/4

Draft Only.

Office of the R.L.A.

Para. 4 of the note of the Commissioner of Excise at p.130-131 ante:- (a) The draft notifications at pages 141-153 ante as amended slightly are in order. As regards the question raised in para. 4 (iv), the notifications at serial Nos.68 and 69, namely, No.C.1277(i) and No.C.1277(j) dated 13th July 1938 may be cancelled.

(b) As regards the question of the cancellation of R.D.Notification No.1277(f) dated the 13th July 1938, raised in para.4(v) of the Commissioner's note at page 130 ante, the notification has been issued under clause (c) of sub-section (2) of section 35 of the Bombay Abkari Act, 1878. The effect of this notification is to prohibit the transport of country liquor in quantities less than one quart bottle. Such a notification is inconsistent with the provisions of section 13 and should therefore be cancelled.

2. Para. 5(i) of the note of the Commissioner of Excise at p.131-132 ante:- (a) The draft notification at p.173 as amended is in order. The Schedules have been revised from the drafting point of view.

(b) Entry 12 of Schedule A refers to Sub-Inspectors specially empowered by the Commissioner. Section 6 of the Bombay Abkari Act, 1878, provides that the Provincial Government or the Commissioners may invest any servant of the Crown with such powers under this Act as they deem fit. The notification is issued by the Provincial Government investing certain servants of the Crown with certain powers under the Act. It is necessary that these servants should be specified in the notification by the

Provincial Government. The entry 13 does not specify precisely such servants of the Crown. It refers to certain officers who would be specially empowered by the Commissioners. The entry is not in order and has, therefo been deleted from the Schedule. The object in view can be achieved by the Commissioner conferring separately on such x Sub-Inspectors the powers referred to in this entry.

(c) In order to leave no room for doubt, it would be desirable to specify against each officer all the powers which it is proposed to confer on him. This has been done in the revised Schedule in respect of entries 9 and 10. The Commissioner of Excise should consider whether additio to any other entries are necessary

(d) Original entries 25 and 27 of the Schedule A refe to the same officers, namely, Mamlatdars and Mahalkaris in areas other than the Dry and Prohibition Areas. The two entries have, therefore, been combined into one. The original entry 43 has been divided into two separate entri renumbered as entries 40 and 41. Similarly original entry 46 had also been divided into two separate entries, Nos.47 and 48. A number of other changes have been made in the Schedules from the drafting point of view.

(e) R. D. should verify whether the Schedule A as revised is suitable from the administrative point of view.

3. Para. 5(ii) of the note of the Commissioner of Excise at pages 132-134 ante: Revised draft notifications in place of the draft notifications at pages 159-164 ante are sent herewith. In his letter dated 25th February 1941 at page 191 ante, the Commissioner of Excise proposes that a limit for possession of country liquor and toddy should be prescribed for the dry areas. The draft notification at pages 163-164 ante provides for such limit in case of dry areas. It does not, therefore, appear necessary to-

amend the notification at pages 159-161 ante by insertion of a new group V in it as suggested by the Commissioner of Excise.

4. Para.5(iii) of the note of the Commissioner of Excise at page 134 ante: A revised draft notification in place of the draft notification at pages 155-57 is sent herewith.

5. Para.5(iv) of the note of the Commissioner of Excise at page 134 ante: The draft notification at pages 165-171 ante as amended is in order. Section 63 of the Bombay Abkari Act provides that it shall be lawful for the Provincial Government to prohibit the sale of medicated articles within any defined local area except under a license from the Collector. The provision does not empower Government to issue a notification prohibiting absolutely the sale of medicated articles. In the draft notification at page 165 ante the words "except under a license from the Collector" have therefore been inserted after the words "to prohibit". Similar amendment is necessary in notification No.1739/39(d) dated 30-9-1939, serial no.47 in the list sent by the Commissioner.

6. Para.2 of the R.D. office note at pages 169-169 ante: As regards the question of the inclusion of the territorial waters in the notifications attention of the R.D. is invited to R.L.A's opinion No.0783 dated 8th November 1940 (copy attached).

Sd/- P.N.P. 9/9
Remembrancer of Legal Affairs. Jd. S.L.C.

U.R. to R. D.,No. 7928 , dated the 11th September 1941.

~~37~~

SCHEDULE B.

Serial No.	Persons empowered.	Powers conferred.
1	2	3
1.	Holders of Foreign Liquor "Ordinary Trade and Export" Licenses, Foreign Liquor "Trade and Import Land Frontier" Licenses, and Foreign Liquor "Retail off" Licenses in the Province of Bombay and their duly authorised agents.	Power under section 13 to issue passes for the transport of foreign liquor sold by them to holders of other foreign liquor retail licenses in the Province of Bombay.
2.	Holders of Foreign Liquor "Refreshment Room" licenses and Foreign Liquor "Retail On" licenses in the Town and Island of Bombay and their duly authorised agents.	Power under section 13 to issue passes for the transport of foreign liquor sold by them to holders of other foreign liquor retail licenses in the Province of Bombay.
3.	Holders of licenses for the sale of foreign liquor in railway dining or refreshment carriages and their duly authorised agents.	Power under section 13 to issue passes for the transport of foreign liquor from their godowns to the Railway dining or refreshment carriages.

By order of the Governor of Bombay,

Secretary to Government.

B.K.S. 30/4

Draft Notification.

Revenue Department

Bombay Castle, 1941.

No. In exercise of the powers conferred by section 12 of the Bombay Abkari Act, 1878 (Bom. V of 1878), and all other powers enabling it in this behalf, and in supersession of Government notifications in the Revenue Department Nos. C.1877 and C.1877(a) dated the 12th July 1938, the Government of Bombay is pleased to direct that save as provided in any notification issued under section 11 of the said Act, the intoxicants specified in the first column of the Schedule hereto annexed (except liquor certified by a person authorised by the Commissioner in that behalf, as being required for sacramental purposes) shall not, except under a pass issued by the Collector or any other Abkari Officer duly empowered in this behalf, be imported into, transported within or exported from the areas specified in the margin, hereinafter referred to as the said areas in quantities exceeding those shown against the said intoxicants in column 2 of the said Schedule:

Provided that such pass shall be issued by the Collector or such Abkari Officer on an application made to him and on his being satisfied that the impo export or transport of such intoxicant is incidental to its import or export across the customs frontier as defined by the Central Government in accordance with the rules and orders, if any, for the time

(i) The whole of the Ahmednagar District exce
(a) Nowasa and Shevgaon Talukas and Pathard Mahal and (b) Akola Taluka and Jamkhed Mahal;

(ii) The whole of the Kanara District except Kumta and Ankola Talukas.

being in force under sub-section (2) of section 7 of the Dangerous Drugs Act, 1930, or under the provisions of the Sea Customs Act, ~~xxx~~ 1878, as the case may be:

Provided further that no such pass shall be required for the import, export or transport of any such intoxicant conveyed under a pass issued by an officer duly authorised in this behalf from any place beyond the limits of the Province of Bombay to any other place beyond the limits of the said Province.

SCHEDULE.

Kind of intoxicant.	Quantity.
(a) Country liquor of any kind except toddy.	One reputed quart bottle of 20 2/3 ozs.
(b) Toddy.	Three reputed quart bottles of 20 2/3 ozs. each.
(c) Denatured Spirit.	Two reputed quart bottles of 20 2/3 ozs. each.
(d) Ganja or any preparation or admixture thereof.	Half a tola.
(e) Bhang or any preparation or admixture thereof.	Two tolas.

By order of the Governor of Bombay,

Secretary to Government.

D.H.S. 20/4

Revenue Department.

Bombay Castle, 194:

No. In exercise of the powers conferred by sub-section (2) of section 148 of the Bombay Abkari Act, 1878 (Bom. V of 1878) and in supersession of Government Notifications in the Revenue Department specified in the margin the Government of Bombay is pleased to prohibit the possession by any person, in the area mentioned in Schedule A hereto annexed, of the intoxicants specified in the first column of Schedule B hereto annexed in excess of the quantities respectively specified against them in the second column of the said Schedule B, except under a permit or licence issued by an Abkari Officer duly empowered in this behalf.

(1) Government Notification, Revenue Department No.988/24(c) dated 30 th July 1938.

(2) Government Notification, Revenue Department No.374/39(c) dated 17th July 1939.

(3) Government Notification, Revenue Department No.446/39(c) dated 1st September 1939.

(4) Government notification, Revenue Department No.1739/39(c) dated 30th September 1939.

Nothing in this notification shall affect the right of any person to possess any such intoxicant if the possession of such intoxicant is incidental to its import into or export from the Province or Bombay, across the Customs Frontier as defined by the Central Government, in accordance with the orders if any, for the time being in force under the provisions of the Sea Customs Act, 1878.

SCHEDULE A.

Group I.

The Ahmedabad City, Ahmedabad Mahal and the Daskroi Taluka of the Ahmedabad District.

Group II.

The Bardoli Taluka including Valod Mahal and that part of the Vyara Taluka which is bounded on the north by the Tapti river and on the east by the Dhanki-Songir road, that is comprising the

villages of (a) Tarsoda Pargana, (b) Varj-
khan, (c) Jambhla, (d) Dirama and (e) Sadad.

Group VII.

(i) Jambusar, Vagra, Broach and Amod-
hwar Talukas in the Broach and Panch Mahals District

(ii) The Kheda and Ankola Talukas of the Kanara District; and

(iii) The Newasa and Sheogaon Taluk s and Pathardi Mahal of the Ahmed-nagar District.

Group IV.

(i) The Town and Island of Bombay;

(ii) The Bombay Suburban District; and

(iii) That part of the Thana Mahal which is encircled by the Bassein-Thana Creek.

SCHEDULE B.

Country liquor of any kind except toddy.	One third of an imperial gallon or two reputed quart bottles.
Toddy.	One half of an imperial gallon or three reputed quart bottles.

By order of the Governor of Bombay,

Secretary to Government.

Revenue Department.

Bombay Castle, 1941.

No. In exercise of the powers conferred by sub-section (2) of section 14-B of the Bombay Abkari Act, 1878 (Bom. V of 1878) and in supersession of Government Notifications in the Revenue Department specified in the margin, the Government of Bombay is pleased to prohibit the possession by any person, in the areas mentioned in Schedule A hereto annexed, of the intoxicants specified in the first column of Schedule B hereto annexed in excess of the quantities respectively specified against them in the second column of the said Schedule B, except under a pass or license issued by an Abkari Officer duly empowered in this behalf.

(1) Government Notification, Revenue Department No. 1277(b) dated 12th July 1938.

(2) Government Notification, Revenue Department No. 1277(c) dated 12th July 1938.

Nothing in this notification shall affect the right of any person to possess any such intoxicant, if the possession of such intoxicant is incidental to its import into or export from the Province of Bombay, across the Customs Frontier as defined by the Central Government, in accordance with the rules and orders if any, for the time being in force under the provisions of sub-section (3) of section 7 of the Dangerous Act, 1930, or under the provisions of the Sea Customs Act, 1878, as the case may

SCHEDULE A.

The Kanara District excluding the Kumta and Ankola Talukas and the Ahmednagar District excluding the Sewasa and Sheogaon Talukas with Pathardi Mahal and the Akola Taluka with Jamkhed Mahal.

SCHEDULE B.

Kind of intoxicant.	Quantity.
	2.
(a) Country liquor of any kind except toddy.	One reputed quart bottle of 25 2/3 ozs.
(b) Toddy.	Three reputed quart bottles of 25 2/3 ozs. each.
(c) Ganja or any preparation or admixture thereof.	1 tola.
(d) Bhang or any preparation or admixture thereof.	1 tola.

By order of the Governor of Bombay,

Secretary to Government.

B.K.S. 20/4

~~34~~

Attention is invited to the R.D. notifications Nos.1977/33 and 1977/33(a) dated 29th April 1941 issued in respect of the Prohibition Area. It is now proposed to issue similar notifications in the case of the Dry and wet Areas and the draft notification at pages 17-19 and 25 ante are sent to B.L.A. for scrutiny. P. 11 ante.

A revised draft notifications are appended.

These notifications have been drafted a little differently from the previous notifications of 29-4-41.

vd/~~Sd~~ 30/10

D.O. vd/—— 30/10

BLA vd/P.N.M 1/11

A-A.

U.B. to B.U.No.0309 dated the 7th Nov.,1941.

B.K.D. 20/4

Draft Notification.

Revenue Department,

Bombay Castle October 1941.

No. In exercise of the powers conferred by section 20 of the Bombay Abkari Act, 1878 (Bom. V of 1878) and in supersession of all previous orders issued in this behalf, the Government of Bombay is pleased to direct that in the areas specified in column 1 of the Schedule appended hereto a duty shall be levied for every Cocoanut, Brab, Date or Wild Palm tree from which today toddy is drawn , for the period during which such tree is tapped or licensed to be tapped ——

(a) in the case of Cocoanut and Brab trees at the rates specified in column 2 of the said Schedule; and

(b) in the case of Date and Wild Palm trees, at the rates specified in column 3 of thesaid Schedule.

SCHEDULE.

V.V.K.
20/4/56.

Areas in which duty is to be levied.	Rate of duty per annum per Cocoanut or Erab tree tapped or licensed to be tapped.		Rate of duty per annum per Date or Wild Palm tree tapped or licensed to be tapped.
1.	2.		3.
1. Ahmedabad District.	Rs. a. p.		Rs. a. p.
Deroli, Amodra and Idran villages of Kodara Mahal.	0 - 8 -0		0-8-0
Rest of the District except Ahmedabad City Mahal and the Daskroi Taluka.	6 -0 - 0		3- 0-0
2. Kaira District.			
The whole of the District.	0 - 8 - 0		0 -8-0
3. Broach and Panch Mahals District.			
the whole of the Panch Mahals subdivision.	Where the tree is tapped or licensed to be tapped for producing toddy for domestic consumption.	0 - 8 -0	Where the tree is tapped or licensed to be tapped for producing toddy for domestic consumption.	0 -8- 0
	Where the tree is tapped or licensed to be tapped for producing toddy for sellin in a shop or booth	1 -0- 0	Where the tree is tapped or licensed to be tapped for producing toddy for selling in a shop or booth.	1 -0-0
Here specify the remaining areas.	Here specify the remaining rates.		Here specify the remaining rates.	

By order of the Governor of Bombay,

Secretary to Government.

Ya.Ka.
23-4-86.

Draft Notification.

Revenue Department,

Bombay Castle, October 1941.

No. :- In exercise of the powers conferred by section 20 of the Bombay Abkari Act, 1878 (Bom. V of 1878) and in supersession of allprevious orders issued in this behalf, the Government of Bombay is pleased to direct that in the areas specified in column 1 of the Schedule appended hereto a duty shall be levied for every Cocoanut, Erab, Date or Wild Palm tree from which toddy is drawn , for the period during which such tree in tapped or licensed to be tapped--

(a) in the case of Cocoanut and Erab trees at the rates specified in column 2 of thesaid Schedule;

and

(b) in the case of Date and Wild Palm trees, at the rates Specified in column 3 of he said Schedule .

SCHEDULE.

V.V.I.C.
20/11/56.

Areas in which duty is to be levied.	Rate of duty per annum per Coconaut or Brab tree tapped or license to be tapped.	Rate of duty per annum per Date or Wild Palm tree tapped or lifenced to be tapped.
1	2	3
1) The whole of the Ahmednagar District except (a) Newasa and Sheogaon Talukas and Pathardi Pahal and Jamkhed Taluka.	Rs. a. p. 7--0--0	Rs. a. p. 3--0--0
The whole of the Kannara District e ce t Kumta and Ankola Talukas.	9--0--0	4--0--0

By order of the Governor of Bombay,

Secretary to Government.

W.K.
30/4/1936.